

REMARKS

Claims 1-21 are currently pending in the application. Claim 4 is hereby cancelled.

Claim 6 stands objected to as allegedly being in improper dependent form for allegedly failing to further limit the subject matter of a previous claim. Claim 6 has been amended to overcome the alleged problem. Withdrawal of the rejection with respect to claim 6 is thus requested.

Claims 1, 2, 3, 7, 9-11 and 13-15 stand rejected under 35 U.S.C. §103 as obvious over U.S. Patent No. 6,243,877, to Heyward, Jr. (Heyward). Claims 19-21 stand rejected under 35 U.S.C. §103 as obvious over Heyward in view of U.S. Patent No. 6,571,396 (Yan¹). Claims 5, 6, 8, and 16-18 stand rejected under 35 U.S.C. §103 as obvious over Heyward in view of U.S. Patent No. 6,185,746 (Scott). Claim 12 stands rejected under 35 U.S.C. §103 as obvious over Heyward in view of U.S. Patent No. 4,416,633 (Gulack).

Reconsideration of the rejection of claims 1-3 and 5-21 is requested.

Initially, Applicant wishes to point out that the “octants” are not identifiable divisions on the headwear piece as alluded to by the Examiner. Instead, these “octants”, as seen in Fig. 5, are merely reference areas on the crown without the requirement that there be any visible lines or divisions between the “octants”.

Claim 1 has been amended to recite a brim/bill projecting forwardly from the crown. Further, the headwear piece is recited to have no brim/bill projecting from the crown from the left or right side of the crown so that the crown and brim/bill cooperatively are configured as a baseball-style cap.

¹It appears that the Examiner intended to rely on U.S. Patent No. 5,584,076 (Armstrong) in making this rejection. Clarification is requested.

Heyward discloses a hat that is essentially a novelty item as opposed to a conventional baseball cap of the type that might actually be worn by a baseball player during a game. The hat is designed as essentially five different cap fronts that can be selectively situated, with an associated "bill" that projects from the crown, in a forwardly projecting orientation. The significance of the multiple "placards" is that they are associated one each with a bill. If one were to eliminate the bills projecting from the left and right sides in Heyward, to be consistent with Heyward's teachings, one would also eliminate the associated placard.

In short, Heyward does not teach or suggest a baseball-style cap of the type specifically recited in Applicant's claim 1. Applicant's recited headwear piece is intended to have the appearance of a baseball-style cap, as would be worn by actual players or by individuals that wish to wear a cap in the same manner as a player would. Heyward does not teach or suggest a headwear piece that is configured as a baseball-style cap with first and second information as specifically located in claim 1.

Claim 1 further specifically characterizes the first information and the second information, with the former identifying an event and the latter identifying a plurality of participants in the event.

Heyward specifically describes the nature of the information in column 2. None of the descriptions would lead one to provide first and second information as specifically recited in Applicant's claim 1.

As Applicant noted in its initial response, the functional advantages of the structure in claim 1 can be understood by using one specific example, that should not be viewed as limiting. First information may be provided on at least one of the front/left side and

front/right side octants that relates to an event such as a particular competitive event or series involving two or more teams, such as a playoff game or an all star game. The second information relates to participants in that event. By reason of its location, the first information, pertaining to the event, is viewable from the front of the headwear piece, whereas the second information is not clearly viewable or identifiable from the same perspective.

Accordingly, those viewing the headwear piece from the front thereof will be apprised of the identification of the event. As the viewer's perspective changes, the information relating to the participants can be focused upon. The headwear piece thus highlights the information relating to the event at the same time bearing additional information that makes the headwear piece valuable, as for a souvenir hunter. The headwear piece thus could conceivably be used by participants in the event, while later, in the identical form, providing a valuable souvenir for that event.

Heyward does not teach or suggest a structured as recited. Accordingly, claim 1 is believed allowable.

Claims 2, 3, 7, 9-11 and 13-15 depend cognately from claim 1 and recite further significant structural detail to further distinguish over Heyward.

As one example, claim 11 specifically characterizes the first information as identifying a non-athletic event.

Claim 13 recites a plurality of logos and at least one octant that are skewed from a normal orientation.

Claim 14 recites a plurality of logos to be randomly oriented in at least one octant.

Heyward does not teach or suggest any of these limitations.

The Examiner relies upon Yan for the disclosure of an adjustable strap as in claims 19-21. Claims 20 and 21 specifically recite information on the adjustable strap, with 21 specifically characterizing the information as identifying the particular event.

Yan does not teach any such strap. While Armstrong discloses a logo on an adjustable strap, Armstrong does not teach a coordination of information as in claims 19-21, nor does Armstrong, either alone or in combination with Heyward, teach or suggest the structure in claim 1, from which claims 19-21 depend.

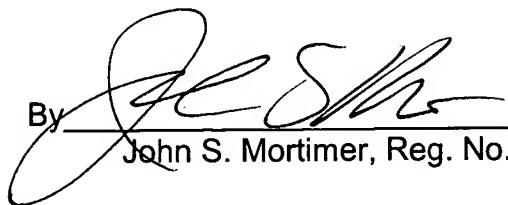
The Examiner relies on Scott in rejecting claims 5, 6, 8 and 16-18. The Examiner relies on Scott for the disclosure of specific sports information, as disclosed on a shirt.

As Applicant noted in its initial response, the nature of the information has patentable significance. What is patentable is not the existence of the information that is on the cap but the coordination of the information as it is applied to a baseball-style cap configuration to produce a unique visual effect. Scott does nothing more than disclose information, which by itself is not patentable. The fact that the information exists in Scott on a shirt does not motivate one skilled in the art to provide specific types of information on a baseball-style cap as recited in Applicant's claims.

The Examiner relies on Gulack in combination with Heyward in rejecting claim 12. Gulack discloses an educational device in the form of a ring that has an arrangement of numbers having mathematical significance. Gulack does not teach or suggest logos as recited in claim 12. Thus, Gulack's teachings, in combination with Heyward, would not suggest, or motivate one skilled in the art to arrive at, the structure in Applicant's claim 12.

Reconsideration of the rejection of claims 1-3 and 5-21 and allowance of the case are requested.

Respectfully submitted,

By 
John S. Mortimer, Reg. No. 30,407

WOOD, PHILLIPS, KATZ,
CLARK & MORTIMER
500 West Madison Street, Suite 3800
Chicago, Illinois 60661
(312) 876-1800

Date: Dec 15, 2005